REMARKS

In view of the above amendments and the following remarks, reconsideration of the rejections and further examination are requested.

Claims 16-31 were pending in this application and stand rejected. Upon entry of this amendment, claims 16-24 are canceled and claims 25 and 26 are amended, leaving claims 25-31 pending in this application with claim 25 being the sole independent claim. No new matter has been added.

Rejections Under 35 U.S.C. §103(a)

Claims 16-31 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Kitaura et al. (U.S. Patent Application Publication No. 2002/0022105) (hereinafter referred to as "Kitaura") in view of Uno et al. (WO 2004/027770; U.S. Patent Application Publication No. 2005/0253210 used as an English language translation) (hereinafter referred to as "Uno") and Yasuda et al. (U.S. Patent No. 6,221,455) (hereinafter referred to as "Yasuda").

Claims 16-24 have been canceled and Applicants submit that claim 25 as now pending overcomes this combination of prior art.

Amended independent claim 25 recites, among other things, an optical information recording medium, comprising a first information layer, a second information layer, … , and an n-th information layer (where n is an integer of 3 or greater), in that order, on a substrate, wherein all of the information layers have a recording layer composed of a material containing Te, O, and M (where M is one or more elements selected from among Al, Si, Ti, V, Cr, Mn, Fe, Co, Ni, Cu, Zn, Ga, Ge, Zr, Nb, Mo, Ru, Rh, Pd, Ag, In, Sn, Sb, Hf, Ta, W, Re, Os, Ir, Pt, Au, and Bi), and

$M_n \geq \ldots \geq M_2 \geq M_1$ and $M_1 \neq M_n$

are satisfied, where M_1 is the compositional ratio of the material M in the first information layer, M_2 is the compositional ratio of the material M in the second information layer, …, and M_n is the compositional ratio of the material M in the n-th information layer, wherein M_k is at least 2 atom% greater than M_{k-1} ($1 \leq k \leq n$).

This configuration enables an optical information recording medium to be provided in

which stable recording and reproduction can be performed in multiple information layers, and suitable recording sensitivity can be maintained in the innermost layer, as viewed from the laser incidence side. Since M_k is at least 2atom% greater than M_{k-1} ($1 \leq k \leq n$), the above-described effects are further enhanced.

Applicants submit that the cited prior art alone and in combination fails to render obvious such a structure. On page 2, item 2 of the office action, the Examiner cites Kitaura as disclosing a dual-layer optical recording layer; however, since Kitaura fails to disclose an optical recording stack with more than two layers, the Examiner relies on Uno to render this claim obvious. *See* pg 4.

Applicants submit that Uno does teach the composition of an optical recording media; however, paragraph [0022] of Uno states that in "the optical information recording medium of the present invention, the concentration of M atoms in the first recording layer may be higher than that in the second through m-th recording layers. Thus, in addition to the difference in the transmittance of the information layer located on the near side between the recorded state and the unrecorded state being reduced easily, the transmittance of the information layer on the near side can be set to a high level easily."

Thus, Uno does not teach that M_k is at least 2atom% greater than M_{k-1} ($1 \leq k \leq n$) in an optical information recording medium including a first information layer, a second information layer, … , and an n-th information layer (where n in an integer of 3 or greater), as recited in claim 25.

Furthermore, there is no reason discussed in Uno to alter the ratio between M_k and M_{k-1} to render obvious this element of claim 25. As disclosed in the specification of the present application, an embodiment having the structure of claim 25 would enable the information layer that is farther from the laser incidence side to have a high recording sensitivity because of less M, while the information layer that is closer to the laser incidence side would likely not contribute to relaxation because it has more M, even though the information layer that is close to the laser incidence side is thin to obtain high transmittance. This effect is achieved if M_k is at least 2atom% greater than M_{k-1} ($1 \leq k \leq n$), as recited in claim 25. Uno teaches away from M_k being at least 2 atom% greater than M_{k-1}, since the Uno specification clearly states that M_{k-1} is

higher than M_k. That is, Uno is specifically designed to reduce the difference in the transmittance of the information layer located on the near side between the recorded state and the unrecorded state easily by making the concentration of M atoms in the layer closer to the incidence side higher than that in the layer farther from the incidence side by one percent, as shown in Examples of the Uno specification.

Additionally, Applicants submit that Yasuda fails to overcome the deficiencies of the Kitaura and the Uno references. Specifically, although Yasuda teaches a multi-layered optical disc, Yasuda fails to disclose or render obvious that M_k is at least 2atom% greater than M_{k-1} ($1 \leq k \leq n$) in an optical information recording medium including a first information layer, a second information layer, ... , and an n-th information layer (where n in an integer of 3 or greater).

Therefore, applicants submit that independent claim 25 as amended, and its dependent claims are allowable over the combination of cited prior art.

In view of the foregoing amendments and remarks, all of the claims now pending in this application are believed to be in condition for allowance. Reconsideration and favorable action are respectfully solicited.

Should the Examiner believe there are any remaining issues that must be resolved before this application can be allowed, it is respectfully requested that the Examiner contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

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